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6 **UNITED STATES DISTRICT COURT**  
7 **SOUTHERN DISTRICT OF CALIFORNIA**  
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9 ALEX NEVELSON, an individual,  
10 Plaintiff,  
11 vs.  
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13  
14 VONAGE HOLDINGS CORP., a  
15 Delaware Corporation; and DOES 1  
16 through 10,  
17 Defendants.

CASE NO. 07cv0732-LAB (WMc)

**ORDER *SUA SPONTE* STAYING  
PROCEEDINGS PENDING MDL  
TRANSFER DECISION AND  
DENYING AS MOOT  
DEFENDANT'S MOTION TO  
STAY PROCEEDINGS AND *EX  
PARTE* APPLICATION FOR  
SHORTENED TIME  
CONSIDERATION OF MOTION  
TO STAY PROCEEDINGS**

[Dkt No. 16, 19, 11]

18 This action involves a dispute arising from Defendant Vonage Holdings Corp.'s  
19 ("Vonage") phone subscriber billing practices. Plaintiff Alex Nevelson ("Nevelson") filed this  
20 putative class action in San Diego County Superior Court. On April 23, 2007, Vonage  
21 removed the case to federal court under the federal Class Action Fairness Act of 2005  
22 ("CAFA"), 28 U.S.C. § 1332(d). On May 4, 2007, Nevelson moved to remand the action to  
23 state court. Dkt No. 11. The hearing of the remand motion is calendared for June 18, 2007.

24 On May 14, 2007, a Motion For Transfer And Coordination Pursuant To 28 U.S.C. §  
25 1407 was presented to the Judicial Panel On Multidistrict Litigation ("Panel") seeking the  
26 transfer of four actions filed in four different states, including this action, as "In Re: 'Vonage  
27 Charges And Services Litigation.'" Dkt No. 14. On May 21, 2007, Vonage filed a Motion To  
28 Stay Proceedings Pending Ruling On Transfer And Consolidation By The Judicial Panel On

1 Multidistrict Litigation ("MDL"). Dkt No. 20. Vonage simultaneously applied *ex parte* for an  
2 Order to shorten time on the hearing of the Motion To Stay (presently calendared to be  
3 heard on June 18, 2007, the same date as the Motion To Remand) in order that a decision  
4 be had on that issue before Vonage's June 4, 2007 opposition to Nevelson's Motion To  
5 Remand is due. Dkt No. 16. Nevelson has filed Opposition to the *Ex Parte* Application.

6 The court has considered the procedural posture of this case and the likelihood that  
7 the other In re Vonage cases the Panel is considering for transfer raise questions similar to  
8 those presented here, including but not limited to the question of remand. The court finds,  
9 in the interest of uniformity, those questions would best be decided in the transferee court  
10 if the Panel orders centralization. Accordingly, **IT IS HEREBY ORDERED:**

11 1. The court **SUA SPONTE STAYS PROCEEDINGS** in this case until the Panel  
12 has made its decision regarding MDL consolidation, without addressing the arguments  
13 presented by the parties.

14 2. Vonage's Motion To Stay and its *Ex Parte* Application for shortened time  
15 hearing of its Motion To Stay are both **DENIED AS MOOT.**

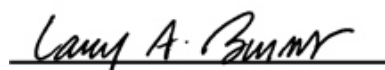
16 3. The hearing of Nevelson's Motion To Remand is stayed pending transfer of this  
17 case upon Order of the Panel, and the motion hearing date of June 18, 2007 is **VACATED.**

18 4. Nevelson shall promptly request from this court a new hearing date for his  
19 Motion To Remand in the event the MDL Panel does not order this case transferred for  
20 centralized adjudication, and the court will set a new motion briefing schedule at that time.

21 5. If the MDL Panel orders this case transferred, the Motion To Remand will be  
22 decided in the transferee court, with all pending dates and proceedings in this action vacated  
23 as moot.

24 **IT IS SO ORDERED.**

25 DATED: May 25, 2007

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27 **HONORABLE LARRY ALAN BURNS**  
28 United States District Judge